

16 (new). A papermaking machine according to claim 6, comprising a nip, said nip being composed of a first element located in opposed relationship to said surface of the belt, and a second element in opposed relationship to said first element, the belt being movable between said elements, and said elements being sufficiently close to each other to apply pressure to a paper sheet on said belt.

REMARKS

The rejection of claims 3-3 is made under 35 USC §102(b) on Mashimo, whose power transmission belt, which has a base layer and a resin layer, is either a V-shaped belt for engagement with a pulley having a V-shaped groove, or has plural V-shaped ribs for running engagement with multiply grooved pulleys. In either case, the Mashimo belt inherently has tapered side edges. What Mashimo does not show is the belt incorporated into a papermaking machine for transporting a paper sheet.

The principal issue in this case, therefore, boils down to whether or not weight is to be given to the fact that the independent claims are directed to a "papermaking machine having at least one belt for transporting a paper sheet along a path in the machine wherein the paper sheet is in parallel, juxtaposed relation to a surface of the belt."

The examiner has characterized the recitation of a papermaking machine as a recitation of intended use. The applicant, on the other hand, contends that the claims are directed to a novel papermaking machine, which, as a whole, is structurally different from a V-belt or ribbed belt power transmission.

In Corning Glass Works v. Sumitomo Electric U.S.A., 858 F.2d 1251, 9 USPQ2d 1962 (Fed. Cir. 1989), the Court addressed